I affirm. RESOLVED: In the United States, juveniles charged with violent felonies ought to be treated as adults in the criminal justice system.

The resolution posits that children ought to be treated as adults. This doesn’t imply that they need to be treated as the stereotypical adult; just as we have exceptions and relevant considerations when considering the punishment and prosecution of certain adults, those same considerations could apply to children. The difference is those rules would have to apply in the same way they do to adults and thus in the adult justice system. Thus, the affirmative advocates using the adult criminal justice system for the prosecution of all violent felonies, as the negative burden is to defend the juvenile justice system.

I value morality as ought implies a moral obligation.

Absence of alien control is important because the state only garners authority from the people and thus has no external right to control. Rousseau explains[[1]](#footnote-1):

I SUPPOSE men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. **That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.** But, as men cannot engender new forces, but only unite and direct existing ones, **they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance.** These they have to bring into play by means of a single motive power, and cause to act in concert. This sum of forces can arise only where several persons come together: **but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests**, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms: *"The problem is to find a form of association which will defend and protect with the whole common* *force the person and goods of each associate, and in which each, while uniting himself with all, may still* *obey himself alone, and remain as free as before."*This is the fundamental problem of which the *Social* *Contract* provides the solution. If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms: *"Each of us puts his person and all his power in common under the supreme direction of the general* *will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."* At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will. This public person, so formed by the union of all other persons formerly took the name of *city*,and now takes that of *Republic* or *body**politic*; it is called by its members *State* when passive. *Sovereign* when active, and *Power* when compared with others like itself. **Those who are associated in it take collectively the name of** *people*, and severally are called **citizens**, as sharing in the sovereign power, and *subjects*, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how todistinguish them when they are being used with precision. This formula shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double capacity; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign. But the maxim of civil right, that no one is bound by undertakings made to himself, does not apply in this case; for there is a great difference between incurring an obligation to yourself and incurring one to a whole of which you form a part. *But the body politic or* **the Sovereign,** drawing its being wholly from the sanctity of the contract, **can never bind itself, even to an outsider, to do anything derogatory to the original act**, for instance, to alienate any part of itself, or to submit to another Sovereign. Violation of the act by which it exists would be self-annihilation; and that which is itself nothing can create nothing. In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence. In this lies the key to the working of the political machine; **this alone legitimizes civil undertakings, which, without it, would be absurd, tyrannical, and liable to the most frightful abuse.**

This implies that when a state acts under coercive power without the clear check and will of the people it is inconsistent with its obligations. Rousseau TWO explains:

**The public force** therefore **needs an agent of its own to bind it together and set it to work under the direction of the general will**, to serve as a means of communication between the State and the Sovereign, and to do for the collective person more or less what the union of soul and body does for man. **Here we have what is**,in the State, **the basis of government,** often **wrongly confused with the Sovereign, whose minister it is.** What then is government? An intermediate body set up between the subjects and the Sovereign, to secure their mutual correspondence, charged with the execution of the laws and the maintenance of liberty, both civil and political. The members of this body are called magistrates or *kings*, that is to say *governors*, and the whole body bears the name *prince*.[**18**](http://www.constitution.org/jjr/socon_03.htm#18) Thus those who hold that the act, by which a people puts itself under a prince, is not a contract, are certainly right. It is simply and solely a commission, an employment, in which the rulers, mere officials of the Sovereign, exercise in their own name the power of which it makes them depositaries. This power it can limit, modify or recover at pleasure; for the alienation of such a right is incompatible with the nature of the social body, and contrary to the end of association. I call then *government*, or supreme administration, the legitimate exercise of the executive power, and prince or magistrate the man or the body entrusted with that administration. In government reside the intermediate forces whose relations make up that of the whole to the whole, or of the Sovereign to the State. This last relation may be represented as that between the extreme terms of a continuous proportion, which has government as its mean proportional. The government gets from the Sovereign the orders it gives the people, and, for the State to be properly balanced, there must, when everything is reckoned in, be equality between the product or power of the government taken in itself**,** and the product or power of the citizens, who are on the one hand sovereign and on the other subject. Furthermore, none of these three terms can be altered without the equality being instantly destroyed. If the Sovereign desires to govern, or the magistrate to give laws, or if the subjects refuse to obey, disorder takes the place of regularity, force and will no longer act together, and the State is dissolved and falls into despotism or anarchy. Lastly, as there is only one mean proportional between each relation, there is also only one good government possible for a State. But, as countless events may change the relations of a people, not only may different governments be good for different peoples, but also for the same people at different times. In attempting to give some idea of the various relations that may hold between these two extreme terms, I shall take as an example the number of a people, which is the most easily expressible. Suppose the State is composed of ten thousand citizens. The Sovereign can only be considered collectively and as a body; but each member, as being a subject, is regarded as an individual: thus the Sovereign is to the subject as ten thousand to one, i.e., each member of the State has as his share only a ten-thousandth part of the sovereign authority, although he is wholly under its control. If the people numbers a hundred thousand, the condition of the subject undergoes no change, and each equally is under the whole authority of the laws, while his vote, being reduced to a hundred-thousandth part, has ten times less influence in drawing them up. The subject therefore remaining always a unit, the relation between him and the Sovereign increases with the number of the citizens. From this it follows that, the larger the State, the less the liberty.When I say the relation increases, I mean that it grows more unequal. Thus the greater it is in the geometrical sense, the less relation there is in the ordinary sense of the word. In the former sense, the relation, considered according to quantity, is expressed by the quotient; in the latter, considered according to identity, it is reckoned by similarity.Now, the less relation the particular wills have to the general will, that is, morals and manners to laws, the more should the repressive force be increased. The government, then, to be good, should be proportionately stronger as the people is more numerous.On the other hand, as the growth of the State gives the depositaries of the public authority more temptations and chances of abusing their power, the greater the force with which the government ought to be endowed for keeping the people in hand, the greater too should be the force at the disposal of the Sovereign for keeping the government in hand. I am speaking, not of absolute force, but of the relative force of the different parts of the State. It follows from this double relation that the continuous proportion between the Sovereign, the prince and the people, is by no means an arbitrary idea, but a necessary consequence of the nature of the body politic. It follows further that, one of the extreme terms, viz., the people, as subject, being fixed and represented by unity, whenever the duplicate ratio increases or diminishes, the simple ratio does the same, and is changed accordingly. From this we see that there is not a single unique and absolute form of government, but as many governments differing in nature as there are States differing in size.If, ridiculing this system, any one were to say that, in order to find the mean proportional and give form to the body of the government, it is only necessary, according to me, to find the square root of the number of the people, I should answer that I am here taking this number only as an instance; that the relations of which I am speaking are not measured by the number of men alone, but generally by the amount of action, which is a combination of a multitude of causes; and that, further, if, to save words, I borrow for a moment the terms of geometry, I am none the less well aware that moral quantities do not allow of geometrical accuracy. **The government is** on a small scale what the body politic which includes it is on a great one. It is **a moral person endowed with certain faculties, active like the Sovereign and passive like the State, and capable of being resolved into other similar relations**. This accordingly gives rise to a new proportion, within which there is yet another, according to the arrangement of the magistracies, till an indivisible middle term is reached, i.e., a single ruler or supreme magistrate, who may be represented, in the midst of this progression, as the unity between the fractional and the ordinal series.Without encumbering ourselves with this multiplication of terms, **let us rest content with regarding government as a new body within the State, distinct from the people and the Sovereign**, and intermediate between them. There is between these two bodies this essential difference, that **the State exists by itself, and the government only through the Sovereign.** Thus **the dominant will of the prince is**, or should be, **nothing but the general will** or the law; his force is only the public force concentrated in his hands, and, as soon as he tries to base any absolute and independent act on his own authority, the tie that binds the whole together begins to be loosened. **If** finally **the prince should come to have a particular will more active than the will of the Sovereign, and should employ the public force in his hands in obedience to this particular will, there would be**, so to speak, **two Sovereigns, one rightful and the other actual, the social union would evaporate instantly, and the body politic would be dissolved.**

Additionally the only way to create a state that maintains legitimacy with the people is one with reasonable checks on its power. Montesquieu[[2]](#footnote-2) explains:

**Democratic and aristocratic states are not in their own nature free. Political liberty is to be found only in moderate governments; and even in these it is not always found. It is there only when there is no abuse of power. But constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go.** Is it not strange, though true, to say that virtue itself has need of limits? **To prevent this abuse, it is necessary from the very nature of things that power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.**

Thus, the standard is maintaining adequate restrictions on state power.

Additionally, prefer this standard because a lack of restriction on power allows us to dominate and interfere with another, which is immoral. Phillip Pettit[[3]](#footnote-3) explains:

But the primary-good status of freedom as non-domination can also be supported by reference to the reduction of strategy and subordination that it makes possible. **To be a person is to be a voice that cannot** properly **be ignored,** a voice which speaks to issues raised in common with others and which speaks with a certain authority: enough authority, certainly, for discord with that voice to give others a reason to pause and think. **To be treated properly as a person**, then, **is to be treated as a voice that cannot be dismissed without independent reason**: to be taken as someone worth listening to. The condition of **domination** would reduce the likelihood of being treated as a person in this way, so far as it **is associated with a need for strategy and a subordinate status. The dominated**, strategy-bound **person is someone with reason to watch what they say,** someone **who must** be assumed always to **have an eye to what will please their dominators.** And equally, the dominated, subordinate person is someone, by common assumption, who has reason to impress their dominators and try to win a higher ranking in their opinion. **Such a person will** naturally be presumed to **lack an independent voice, at least in the area where domination is relevant. They will fail to make the most basic claim on the attention of the more powerful,** for they will easily be seen as attention-seekers: they will easily be seen in the way that adults often see precocious children. They may happen to receive attention but they will not command attention; they may happen to receive respect but they will not command respect.

I contend that the separation of adults and children leads to insufficient checks on state power.

CONTENTION ONE: The emphasis on rehabilitation in the juvenile system leaves state power unchecked.

Juvenile courts, by embracing rehabilitation, attempt to avoid the adversarial system and expand the power of judges in an inquisitorial way. Stacey Hiller[[4]](#footnote-4) explains

Parens Patriae Facilitates Rehabilitation Following the creation of the juvenile court system, under parens patriae, children in delinquency proceedings were not treated as criminals, but as children in need of guidance and nurturing in a non-adversarial system. 124 This system was meant to nurture and ultimately rehabilitate juveniles. **As originally planned, the juvenile court system was "to be a clinic, not a court; the judge and all of the attendants were visualized as white-coated experts there to supervise, enlighten, and cure**, not to punish . . . and were surrogates, so to speak, of the natural parent." 125 These experts were supposedly motivated by "love" **and intended to** use this love to **transform troubled juveniles into normal children, saving them from careers as criminals.** 126 The early rehabilitative programs focused less on punishment and more on education and the prevention of juvenile delinquency. 127The rehabilitative goal aimed at mentally and morally preparing youths for productive roles in society upon their release. 128 **Although the juvenile court system has changed over the years, it has retained its essential goal of rehabilitation, and even today it encourages judges to use their discretion "to steer the errant child onto the right path.**" 129 The ensuing struggle between this wide discretion and the need for rational procedure, however, prompted the Supreme Court to limit the juvenile court judge's discretion [\*289] to provide the proper balance between the rehabilitative ideal and sufficient procedural protections under the U.S. Constitution. 130 **The proceedings in juvenile court differ in both form and substance from those in adult criminal trials.**

Rehabilitative systems remove important checks of individual will on state power. C.S. Lewis[[5]](#footnote-5) explains:

The distinction will become clearer if we ask **who will be qualified to determine sentences** when sentences are no longer held to derive their propriety from the criminal’s deservings. **On the old view** the problem offixing **the** right **sentence was a moral problem. Accordingly, the judge** who did it **was** a person **trained in** jurisprudence; trained, that is, in a science which deals with **rights and duties,** and which, in origin at least, was consciously accepting guidance from the Law of Nature, and from Scripture. We must admit that in the actual penal code of most countries at most times these high originals were so much modified by local custom, class interests, and utilitarian concessions, as to be very imperfectly recognizable. But **the code was never in principle,** and not always in fact, **beyond the** control of the **conscience of** the **society. And when** (say, in eighteenth-century England) **actual punishments conflicted** too violently **with the moral sense of the community,** juries refused to convictand **reform was** finally **brought about.** This was possible because, so long as we are thinking in terms of **Desert,** the propriety of the penal code, being a moral question**, is a question in which every man has the right to an opinion,** not because he follows this or that profession, but because he is simply a man, a rational animal enjoying the Natural Light. But all **this is changed when we drop the concept of Desert. The only** two **question**s **we may now ask about a punishment** are**[is] whether** it deters and whether it **cures**. **But** these are **[this is] not [a] questions on which anyone is entitled to have an opinion** simply because he is a man. He is not entitled to an opinion even if, in addition to being a man, he should happen also to be a jurist, a Christian, and a moral theologian. **For they are not question about principle but about** matter of **fact;** and for such cuiquam in sua arte credendum. **Only the expert ‘penologist’** (let barbarous things have barbarous names), **in the light of previous experiment**, can tell us what is likely to deter: only the psychotherapist **can tell us what is likely to cure**. It will be in vain for the rest of us, speaking simply as men, to say, ‘but this punishment is hideously unjust, hideously disproportionate to the criminal’s deserts’. The experts with perfect logic will reply, ‘but nobody was talking about deserts.No one was talking about punishment in your archaic vindictive sense of the word. Here are the statistics proving that this treatment deters. Here are the statistics proving that this other treatment cures. What is your trouble? **The Humanitarian theory,** then**, removes sentences from the hands of jurists** whom the public conscience is entitled to criticize **and places them in the hands of technical experts** whose special sciences do not even employ such categories as rights or justice**.** It might be argued that since this transference results from an abandonment of the old idea of punishment, and, therefore, of all vindictive motives, it will be safe to leave our criminals in such hands. I will not pause to comment on the simple-minded view of fallen human nature which such a belief implies. Let us rather remember that **the ‘cure’ of criminals is to be compulsory**; and let us then watch how the theory actually works in the mind or the Humanitarian. The immediate starting point of this article was a letter I read in one of our Leftist weeklies. The author was pleading that a certain sin, now treated by our laws as a crime, should henceforward be treated as a disease. And he complained that under the present system the offender, after a term in gaol, was simply let out to return to his original environment where he would probably relapse. What he complained of was not the shutting up but the letting out. **On his remedial view of punishment the offender should, of course, be detained until he was cured.** And or course the official straighteners are the only people who can say when that is. **The** first **result** of the Humanitarian theory **is, therefore, to substitute for a definite sentence** (reflecting to some extent the community’s moral judgment on the degree of ill-desert involved) **an indefinite sentence terminable only by the word of those experts—**and they are not experts in moral theology nor even in the Law of Nature—who inflict it. Which of us, if he stood in the dock, would not prefer to be tried by the old system?

This is empirically verified within the juvenile system. Robert Shepard[[6]](#footnote-6) explains:

**The justification for having a**n entirely **separate juvenile system is to avoid the harshness of the adult system and provide an environment that is more conducive to rehabilitation of the youthful offender. Unfortunately, this emphasis on rehabilitation has fostered the imposition of indeterminate sentences in deference to the supposed rehabilitative expertise of juvenile authorities. As a result, juvenile offenders are often incarcerated for much longer terms than are adults for similar offenses.** The recognition of a right to punishment would force the juvenile system to either live up to the rehabilitative justification for the peculiar incarceration it imposes, or provide an alternative method of dealing with the juvenile offender that is consistent with the conceptual limitations on punishment underlying the adult system.

This links to the standard because it proves that we place power back into the hands of individuals to check back against state concerns in the affirmative world.

CONTENTION TWO: Treating juveniles outside of the adult system places too much sentencing power in the hands of individual actors like judges.

First, both the logic and structure of juvenile systems provide the state with excessive coercive power. Barry Feld[[7]](#footnote-7) argues:

Quite apart from its unsuitability as a social welfare agency, **the individualized justice of a rehabilitative juvenile court fosters lawlessness** and thus detracts from its utility as a court of law as well. Despite statutes and rules, **juvenile court judges make discretionary decisions** effectively **unconstrained by the rule of law. If judges intervene to meet each child's "real needs," then every case is unique and decisional rules or objective criteria cannot constrain clinical intuitions. The idea of treatment necessarily entails individual differentiation, indeterminacy, a rejection of proportionality, and a disregard of normative valuations of the seriousness of behavior. But, if judges possess neither practical scientific bases by which to classify youths for treatment** nor demonstrably effective programs to prescribe for them, **then** the exercise of"sound **discretion**" **simply constitutes** a euphemism for idiosyncratic **judicial subjectivity.** Racial, gender, geo- graphic, and socio-economic disparities constitute almost inevitable corollaries of a treatment ideology that lacks a scientific foundation. At the least, **judges will sentence youths differently based on extraneous personal characteristics for which they bear no responsibility. At the worst, judges will impose haphazard, unequal, and discriminatory punishment on similarly situated offenders without effective procedural or appellate checks.**

Thus, this allows the state too much power because the process incentivizes the state to rule and convict based on irrelevant and arbitrary criteria that individual agents arbitrarily evaluate.

Second, without a jury, an individual judge is able to make decisions with far too much power, creating a dangerous and coercive system. Joseph Sanborn[[8]](#footnote-8) explains:

Recent research has disclosed several obstacles to receiving a fair hearing in juvenile court, many of which are associated with the absence of the public jury trial. **Judges** **have been** found to be **biased against juveniles because they had discovered the defendant’s record before trial, remembered the youth from previous crimes or from previous hearings for the current offense, or learned the child had been held in detention. Judges also have been accused of** **convicting youths on evidence that did not measure up to beyond a reasonable doubt. Finally, judicial bias has been created by the use of special prosecutors when habitual offenders go to trial, and prosecutors have put political pressure on judges to adjudicate defendants. These varied sources of bias affect the youth’s ability to receive a fair trial when there is no option for a jury trial.** This same potential for biased judges prompted the Supreme Court to recognize the adult defendant’s constitutional right to jury in Ducan v. Louisiana. In Duncan, the Supreme Court emphasized that **the purposes of the jury trial were to check against arbitrary actions by the government, to safeguard against the overzealous prosecutor and the biased judge, and to assure fair trials. Jury trials are necessary** in juvenile court **for the same reasons. Juries would not have access to the youth’s records, would not know defendants from previous offenses or stages in the court process, and would not realize which juveniles had been held in detention. Juries would not be exposed to prejudicial, inadmissible evidence that frequently surfaces at preliminary, detention, or certification hearings. Juries also would not know which prosecutors were from special units that deal only with offenders who have prior records. Moreover, juries would be less likely than judges to convict on evidence that did not amount to beyond a reasonable doubt because of their not having any vested interest in punishing or treating any particular juvenile,** their not being easily vulnerable to prosecutorial pressures to adjudicate delinquents, and to their overall tendency to acquit more frequently than judges.

CONTENTION THREE: Only treating children as adults can unmask and check state power.

By combining the system we are able to unearth and criticize abuse of state power.

Federle[[9]](#footnote-9) explains:

Setting aside questions about the political feasibility of a youth discount, the primary objection to this proposal is the real possibility that a youth discount would ultimately prove disadvantageous. To understand why this may be so, it is useful to articulate some assumptions about state power, the law's violence, and the courts. Returning, for a moment, to Feld's argument for abolition, he notes that the **states manipulate the concepts of childhood and adulthood to "maximize the social control of young people."** This is an important point, for the institutional structure we call **the juvenile court may be used to deflect a deeper examination of structural inequality.** Furthermore, **the existence of a separate court not only provides an excuse for avoiding state responsibility; it also masks the illegitimate exercise of the state's coercive power.** For example, whether the juvenile court ever really had a social welfare function is debatable. This is not to say that some individuals in the juvenile justice system were not sincerely concerned about the welfare of children with whom they came into contact; in fact, many of the reformers were and are sincerely concerned with the welfare of the children they serve. But from its inception, the focus of the juvenile court has been on children of the poor. This focus was supported by an underlying belief that these children and their parents could be subject to a different level of state coercion simply because of their poverty (Garrison 1983). Consequently, these children and their families were subjected to a level of state coercion that was not and has not been replicated among middle- and upper-middle-class families (Garrison 1983). In this sense, then, the juvenile court's social welfare function has always been one of social control. If the goal is social control, then one can clearly see that the court's institutional function is to obscure the use of state coercion. **Abolition of the juvenile court** thus **removes a structural impediment, enabling us to see more clearly the state's use of its coercive power while permitting us to question and challenge** the state's exercise of **that power.** Moreover, by returning minors to the criminal justice system, we may then confront the consequences of state coercion and violence in that system. There is little doubt that, in the criminal justice system, the state uses its power to coerce compliance and sanction deviance. Sometimes that power is even used to authorize an act of state violence in the form of an execution. But the use of the state's power to control and/or punish crime obscures a separate social control function that has classist and, inevitably, racist implications. The problem is that the use of that power is often masked by bureaucratization and routinization. That is, the power of the state congeals in bureaucratic institutions, like its courts, and is inherently a part of the bureaucratic structure. Consequently, the exercise of that power becomes so routine that it is invisible to those within the institution. This is particularly problematic when the use of that power has discriminatory and marginalizing effects. Because the exercise of that power has become virtually invisible through its routinization, it has become hard to see its illegitimacy. **By abolishing the juvenile court and returning certain young offenders to the criminal justice system, we unmask the social control function not only of the juvenile court but also of the criminal court. Returning minors to criminal court thus enables us to reexamine the functions of the criminal court and to critically appraise the state's use of coercion and violence in the criminal justice system**. In turn, this should force us to ask some hard questions [\*34] about the appropriate use of state power and the legitimacy of state coercion and violence.

Thus, the affirmative world allows us to identify abuses of state power and to check back against those abuses.

Finally, abolishing the juvenile system provides children with an important status necessary to be an agent that constrains state power. Federle TWO argues:

Finally, **abolishing the juvenile court may enable us to see that children should have status as rights holders. The juvenile court's emphasis on rehabilitation** and reform not only masks the coercive effects of state intervention but also **permits the state to do things to children on the grounds that it is in the children's best interests.** Of course, coercive state interventions rarely benefit [\*35] those at whom such interventions are aimed and often do more harm than good (Federle 1994). Moreover, **claiming to act on behalf of a child allows the claimant to do certain things without regard to the rights of that individual. Consequently, children often experience coercive and even punitive sanctions under the guise of best interests** (Federle 1994). Because the state claims to act on behalf of children, the rights that children may have are often overlooked. If children nevertheless benefited from a more paternalistic approach, it would be difficult to argue that they needed such rights. But children have not been advantaged by the state's claims to be acting on their behalf (Federle 1995). In fact, many paternalistic interventions have not only failed to improve the lives of children but may actually have disadvantaged them (Federle 1995). Consequently, grounding claims in child protection simply underscores the need for a coherent account of the rights of children. Moreover, rights have an independent value. **To have a right is to have power; to be a rights holder is to be a powerful individual who commands respect from others** (Federle 1995). **Rights enable the rights holder to demand attention and to seek legal redress from a society in which the rights holder may have been excluded or marginalized. Empowering children by recognizing that they have rights thus will have benefits that reach beyond the judicial system. If we recognize children as beings worthy of respect, we may actually reduce their victimization** (Federle 1995). Although criticisms of the juvenile court as an inferior criminal court are valuable, ultimately they do not help us see the problems of a judicial system that does not purport to protect and vindicate the rights of children. Furthermore, proposals focusing only on abolition of the court's delinquency jurisdiction fail to account for institutional and bureaucratic realities. From a rights perspective, however, **the abolition of the juvenile court may prove advantageous. By freeing us from a disabling conception of children as vulnerable and dependent, we may begin to see how rights can empower.** Any discussion of abolition, then, should take into account the importance and value of rights.

Thus I affirm.

1. Rousseau, Jean Jacques. “The Social Contract or Principles of Political Right”. 1762. Translated by G.D.H Cole. <http://www.ruthdunn.org/Rousseau's%20The%20Social%20Contract.pdf> [↑](#footnote-ref-1)
2. #### Charles de Montesquieu “ The Spirit of Laws” Book XI. Of the Laws Which Establish Political Liberty, with Regard to the Constitution 1748

   [↑](#footnote-ref-2)
3. “Republicanism: A Theory of Freedom and Government.” Clarendon. 1997. Pg. 91. [↑](#footnote-ref-3)
4. “THE PROBLEM WITH JUVENILE SEX OFFENDER REGISTRATION: THE DETRIMENTAL EFFECTS OF PUBLIC DISCLOSURE” Spring, 1998. 1998 The Trustees of Boston University The Boston University Public Interest Law Journal [↑](#footnote-ref-4)
5. The Humanitarian Theory of Punishment. 6 Res Judicatae 224 (1953). *God and the Dock: Essays on Theology and Ethics*. P. 287. [↑](#footnote-ref-5)
6. “Challenging the rehabilitative justification of indeterminate sentencing in the juvenile justice system: The right to punishment.” Robert E. Shepard Jr [University of Baltimore]. HeinOnline -- 21 St. Louis U. L.J. 12 1977-1978. [↑](#footnote-ref-6)
7. Barry C. Feld. [Centennial Professor of Law, University of Minnesota Law School. Ph.D. (Sociology), Harvard University, 1973; J.D., University of Minnesota Law School, 1969; B.A., University of Pennsylvania, 1966] “Abolish the Juvenile Court: Youthfulness, Criminal Responsibility, and Sentencing Policy Source: The Journal of Criminal Law and Criminology” (1973-), Vol. 88, No. 1 (Autumn, 1997), pp. 68-136. Northwestern University <http://www.jstor.org/stable/1144075> [↑](#footnote-ref-7)
8. Sanborn, Joseph. The Right to a Public Jury Trial: A Need for Today’s Juvenile Court. Law Journal Library Judicture Vol. 76 No. 5. 1992-1993. Pg. 235-236. Professor of Criminal Justice at the University of Central Florida [↑](#footnote-ref-8)
9. WILL THE JUVENILE COURT SYSTEM SURVIVE?: Is There a Jurisprudential Future for the Juvenile Court?. 1999 The American Academy of Political and Social Science. Lexis Nexis. [↑](#footnote-ref-9)